

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

|                                |   |                             |
|--------------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA       | ) |                             |
|                                | ) |                             |
| v.                             | ) | NO. DNCW3:08CR172-1-FDW-DSC |
|                                | ) | (Financial Litigation Unit) |
| MARK WEISSENBACH,              | ) |                             |
|                                | ) |                             |
| and                            | ) |                             |
|                                | ) |                             |
| TEACHERS' AND STATE EMPLOYEES' | ) |                             |
| RETIREMENT SYSTEM OF N.C.,     | ) |                             |
| Garnishee.                     | ) |                             |

ORDER OF WRIT OF CONTINUING GARNISHMENT

**THIS MATTER** is before the Court on the Answer of Teachers' and State Employees' Retirement System of North Carolina, as Garnishee. On October 20, 2009, the Honorable Frank D. Whitney sentenced Defendant to 36 months probation on his conviction for one count of tax evasion in violation with 26 U.S.C. § 7201. Judgment in the criminal case was filed on October 30, 2009 (Docket No. 13). As part of that Judgment, Defendant was ordered to pay an assessment of \$100.00 and restitution of \$127,348.09. *id.*

On September 4, 2012, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 21), to Garnishee, Teachers' and State Employees' Retirement System of North Carolina, ("Garnishee"). The United States is entitled to a wage garnishment of up to one hundred per cent of net income and has satisfied the prerequisites set forth in 15 U.S.C. §1673. Defendant was served with the Writ on September 12, 2012, and Garnishee was served on September 11, 2012. Garnishee filed an Answer on October 1, 2012 (Docket No. 27), stating that at the time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by Defendant, including non-exempt, disposable earnings.

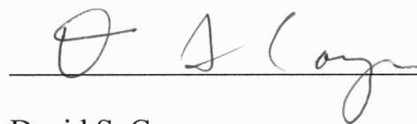
**IT IS THEREFORE ORDERED** that an Order of Writ of Continuing Garnishment is hereby **ENTERED** in the amount of \$48,371.64 computed through January 24, 2013. Garnishee will pay the United States up to one hundred per cent of Defendant's net earnings which remain after all deductions required by law have been withheld and one hundred per cent of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full or until Garnishee no longer has custody, possession or control of any property belonging to Defendant or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, North Carolina 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:08CR172-1.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

**SO ORDERED.**

Signed: January 28, 2013



David S. Cayer  
United States Magistrate Judge

